

1887-030 Chancery Causes: John B. McLin vs. A. D. Thompson &  
Lee Co.

Surgenner, Weston, Jayne

CA-Debt  
T-Property



To the Hon. St. L. K. Morrison Judge of the Circuit  
Court of Lee County Virginia:

Humbly complaining your Orator John B. McLean  
a citizen of said County would respectfully shew  
unto your Honor that on the first day of May 1886  
he obtained before a justice of the peace for said County a  
judgment at law against one A. D. Thompson for the  
sum of \$14.85 with legal interest thereon from the 13th  
day of Nov 1885 till paid and cost amounting to \$1.55 &  
said judgment is herewith filed as part hereof marked (A) &  
on the 15th day of May 1886 he obtained a second judgment  
at law against the same party for \$4.88 with legal inter-  
est thereon from the 14th day of May 1882 till paid and  
cost amounting to \$1.55 & this judgment is herewith filed marked (B)

Your Orator further states that one R. M. Bales on the  
25th day of Oct. 1886 also obtained a judgment at law  
against said A. D. Thompson for \$10.00 with legal interest there-  
on from the 5th day of May 1880 till paid and cost  
amounting to \$1.55 this judgment is herewith filed marked (C)

On the 29th day of Oct 1886 said R. M. Bales assigned said  
judgment at law to your Orator as will appear by his writ-  
ten assignment on the back thereof. On said three judg-  
ments at law executions were issued, and placed in the  
hands of an officer to be levied and collected according  
to law, but the officer charged with that duty instead  
of doing so returned each of them "No property found"

Your Orator further states that each and every part of  
said three judgments at law is now due and owing to  
him, no part of either having at any time been paid to  
him, or said R. M. Bales before said assignment of said  
third judgment.

Your Orator states that about the 8th day of Sept 1886  
he gave notice to said A. D. Thompson that unless the just  
two judgments herein set out, should be paid him, within  
60 days then next ensuing, that a bill in chancery  
would be filed in this honorable Court against him, to enforce  
the lien thereof and he subjected to the costs of such suit,  
and this notice is herewith filed marked (D);

Your Orator now states that said A. D. Thompson is the  
owner and has in his possession a small tract of land  
lying on the waters of Yellow Branch about 13 miles west of  
Jonesville which he purchased from A. R. Surgenum and in  
his life time & paid him for the same, containing acres  
and adjoining the lands of Catherine James & others, and the title  
to which at the death of said Surgenum descended to his  
widow & heirs at law to wit. Nancy Surgenum, James E.  
Surgenum, Weston wife of Wm. Weston, & James  
wife of James H. Jayne; and S. S. Surgenum jr.



Your Orator states that said three judgments operate as liens on said Thompsons real estate and that the rents and profits thereof will not in five years time pay the same, and that in a court of equity he is entitled to the right to have the lien of said judgments enforced by a sale of said real estate to satisfy the same, and to obtain that relief is the object of this Bill;

The premises considered Your Orator prays that said A. D. Thompson James E. Surgeoner, S. S. Surgeoner Jr. Wm. Weston & Weston James H. Surgeon Surgeon & Nancy Surgeon be made defendants to this Bill and be required to answer the same on oath & on a hearing thereof a decree be entered in favor of your Orator decreeing said land to be sold to pay your Orator said three judgments and if in any wise mistaken in this his Special prayer then your Orator prays for all general relief, May the Commissioned writ of Habeas Corpus be directed to.

Henry J. Maguire for Plaintiff



6 4.87  
8 1.00

\$5.87

John B. Malin

as } Bill to En. Lin of Judge

A. D. Thompson tel

1887 Febry Bill Filed Spw

Executed & D. Nisi

" March D. N. Confirmed  
& Cause set for hearing



Bales & Robinson	Sew. or.	Pff	} In ldy
vs.			
A. D. Thompson & others		Defts	} In ldy
John B. McLin		Pff	
vs.			} In ldy
The Same		Defts	
G. B. Bales		Pff	} In ldy
vs.			
The Same		Defts.	

For reasons appearing to the court. These three causes are brought on to be heard together. And therefore the same came on to be heard on the respective bills of the Pffs and the exhibits therewith and the answer of the defendant A. D. Thompson in the first cause & Replication thereto was argued by counsel. On consideration of all which, It is adjudged ordered and decreed that the Pffs in the first cause recover against the deft A. D. Thompson the sum of \$12.53 with legal interest on \$4.33 part thereof from the 31st day of May 1885 and the like interest on \$5.10 another part thereof from the 6th day of Nov. 1885 till paid, That the plaintiff John B. McLin recover against said A. D. Thompson the sum of \$34.38 with legal interest on \$14.85 part thereof from the 13th day of Nov. 1885 and the like interest on \$4.88 another part thereof from the 14th day of May 1882, and the like interest on \$10.00 another part thereof from the 5th day of May 1880 till paid. And it is further adjudged that each of said plaintiffs recover their cost claim to this time against said Thompson

That G. B. Bales the plaintiff in the 3rd cause recover against said A. D. Thompson the sum of \$18.00 with legal interest on \$7.00 thereof from Dec 23 1885 till paid



with this exception that but one attorney is to be taxed  
and for the future said three causes are to be treated  
as one cause only. And unless said debts shall be  
paid the plaintiffs respectively within 20 days from  
the rising of the court, then the tract of land in the bills  
mentioned, shall be rented out to the highest bidder at  
public auction at the front door of the court house on some  
court day, for the shortest space of time that the same  
will yield the requisite sum, provided the same shall  
not exceed five years. Notice of this leasing shall be  
given 30 days prior thereto. Showing time terms & place thereof  
at this leasing so much cash as will pay said costs & the  
expense of leasing shall be paid in hand, and the residue  
shall be paid annually <sup>x</sup> thereafter with interest from  
date of renting and the lessee is required to give good  
bond with approved security for the deferred payments.  
And St. J. Morgan is appointed a com. to execute  
this decree who before doing so is required to give  
bond before the clerk of this court with good security  
in the penalty of \$150. with condition to account for  
all money he may receive in the causes, and he  
will report his action to the court and the cause is  
continued.



Bales Robinson Survival

no. { Dec. No. 1.

A. D. Thompson told

Entered page 6 & 7

Enter this  
29 March 1887.

H. S. K. M.



**VIRGINIA--Lee County, to wit:**

To Samuel S Rose, Constable of said County:

I Hereby Command You to Summon A D Thompson, if to be found in your District, to appear at Bay's Harbor in said County, on the 15 day of May 1886 before me or such other Justice of said County as may then be there, to try this Warrant: to answer the complaint of J B McLin and upon a claim for money not exceeding \$100.00, exclusive of interest, to wit: for the sum of \$ 14.85 due by Note. And then and there make return of this Warrant. Given under my hand the 8 day of May, 1886.

Peter Bay's, J. P.

John B McLin

Against.

A D Thompson

On the 1 day of May, 1886.  
In Debt.

At Bay's & Harbors, in said County.

JUDGMENT, That the plaintiff recover of the Defendant, \$ 14.85, with interest thereon from the 13 day of Nov, 1886, till paid, and \$ 1.00 for costs.

Peter Bay's, J. P.

**VIRGINIA---Lee County To Wit:**

To Samuel S Rose, CONSTABLE OF SAID COUNTY:

I COMMAND YOU, In the name of the Commonwealth of Virginia, that of the goods and chattles of A D Thompson, in your County, you cause to be made the sum of \$ 14.85 with interest thereon from the 13 day of November, 1886, till paid, which J B McLin has recovered before me in a Warrant in Debt, and also the sum of \$ 1.00 which were adjudged to said J B McLin for costs in prosecuting said Warrant. Given under my hand 15 day of May, 1886.

Peter Bay's, J. P.



G. B. Melvin 146.

U.S. Warrant

A. S. Thompson

Executed by

S. S. Rose c.l.c.

Only the 14 1886

Returned no

property found

S. S. Rose c.l.c.

Docketed Sept 2 1886

J. R. Gibson c.l.c.

A



**VIRGINIA--Lee County, to wit:**

To Samuel S Rose, Constable of said County:

I Hereby Command You to Summon A. D. Thompson, if to be found in your District, to appear at Bays and Harbors in said County, on the \_\_\_\_\_ day of \_\_\_\_\_ 1886 before me or such other Justice of said County as may then be there, to try this Warrant: to answer the complaint of J. B. McLin and upon a claim for money not exceeding \$100.00, exclusive of interest, to wit: for the sum of \$ 4 88 due by Note. And then and there make return of this Warrant. Given under my hand the 8 day of May, 1886.

Peter Bays J. P.

J. B. McLin

Against.

A. D. Thompson

On the 15 day of May, 1886.

In Debt.

At Bays & Harbors, in said County.

JUDGMENT, That the plaintiff recover of the Defendant, \$ 4 88, with interest thereon from the 14 day of May, 1882, till paid, and \$ 1.00 for costs.

Peter Bays J. P.

**VIRGINIA--Lee County To Wit:**

TO Samuel S Rose, CONSTABLE OF SAID COUNTY:

I COMMAND YOU, In the name of the Commonwealth of Virginia, that of the goods and chattles of A. D. Thompson in your County, you cause to be made the sum of \$ 4.88 with interest thereon from the 14 day of May, 1886 till paid, which J. B. McLin has recovered before me in a Warrant in Debt, and also the sum of \$ 1.00 which were adjudged to said J. B. McLin for costs in prosecuting said Warrant. Given under my hand 15 day of May, 1886.

Peter Bays J. P.



J. B. McLean  
U.S. Marshal  
A. S. Thompson

Executed by  
S. S. Rose Const

July 14 1866

Returned no

property found

S. S. Rose, C. C.

Deputy U.S. Marshal

J. R. Gibson & Co

(D)



# VIRGINIA--Lee County, to wit:

To Samuel S. Rose, Constable of said County:

I Hereby Command You to Summon A. D. Thompson & C. B. Gray, if to be found in your District, to appear at Boys store, in said County, on the 20 day of October 1886 before me or such other Justice of said County as may then be there, to try this Warrant: to answer the complaint of R. M. Bales and upon a claim for money not exceeding \$100.00, exclusive of interest, to wit: for the sum of \$10.00 due by Note. And then and there make return of this Warrant. Given under my hand the 18 day of October, 1886.

Peter Boys, J. P.

R. M. Bales

Against.

On the 25 day of October, 1886.

In Debt.

A. D. Thompson & C. B. Gray

At Boys store, in said County.

JUDGMENT, That the plaintiff recover of the Defendant, \$10.00<sup>100</sup>, with interest thereon from the 5 day of May, 1880, till paid, and \$1.00<sup>100</sup> for costs.

Peter Boys, J. P.

VIRGINIA---Lee County To Wit:

TO Samuel S. Rose, CONSTABLE OF SAID COUNTY:

I COMMAND YOU, In the name of the Commonwealth of Virginia, that of the goods and chattles of A. D. Thompson & C. B. Gray, in your County, you cause to be made the sum of \$10.00 with interest thereon from the 5 day of May, 1880, till paid, which R. M. Bales has recovered before me in a Warrant in Debt, and also the sum of \$1.00 which were adjudged to said R. M. Bales for costs in prosecuting said Warrant. Given under my hand 25 day of October, 1886.

Peter Boys, J. P.



R. M. Bales  
vs { Warrant

A. D. Thompson  
H. C. B. Gray

Executed by  
S. S. Rose, C. L. C.

No property  
found & no one

I hereby assign the  
Warrant to J. B.  
McLain

R. M. Bales  
Dec 29 1886

(16)



Mr A.D. Thompson.

The undersigned on the 1st and 15th days of May 1886 obtained two judgments against you one for \$14.85 with interest from Nov. 13 1885 and \$1.00 cost & the other for \$4.88 with interest from May 14 1886 till paid & \$1.00 cost and the executions which issued thereon has been returned & no property found, and the same being wholly unpaid. Notice is therefore given you that unless said judgments are paid within 60 days a bill ~~will~~ <sup>in</sup> chancery in the circuit court of Lee County will be filed against you to enforce payment by sale of your land & you subjected to the cost thereof

yours &c

John B. McLean Esq  
attn - H. J. Morgan



John B. McLean

vs { Notice

A. D. Thompson

Executed on Tuesday  
Sept. the 8<sup>th</sup> 1886 by delivering  
to A. D. Thompson a copy of  
the within notice

J. H. Ewing clerk,  
for A. D. Thompson S. L. C.

(D)

Executed on  
8 1886



# The Commonwealth of Virginia,

To the Sheriff of LEE COUNTY--Creeping:

WE COMMAND YOU to summon

*A. D. Thompson,*  
*Nancy Surgenor, James C. Surgenor, S. S.*  
*Surgenor & William Weston & Susan Weston, James*  
*O. Gayne & Sarah Gayne*

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House  
on the first Monday in *February* next, being Rule Day, to answer a  
Bill in Chancery exhibited in our Court against *them*, by

*John B. McLin*

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said  
Court, at the Court House, this *26<sup>th</sup>* day of *January* 188*7* in  
the 1*1<sup>th</sup>* year of the Commonwealth.

*J. A. G. Hyatt* Clerk.

A Copy Teste:



H. J. M

John B. McLin

vs { Spa. in Chcy

A. D. Thompson et al

To Feby Rules 1887

Executed by deliver-  
ing office copies of  
this ~~Spec.~~ to A. D.  
Thompson Feby 3/887

J. H. C. Deputy  
for W. D. Flanagan & Co